

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 29, 2007 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 311, 1/23/2007
Executive Action: HB 210, HB 174, HB 172, HB 208,
HB 68

HEARING ON HB 311

Opening Statement by Sponsor:

00:01:02 Rep. Ron Erickson (D), HD 93, opened the hearing on HB 311, Revise medical marijuana laws.

[EXHIBIT\(juh19a01\)](#)

Proponents' Testimony:

00:12:00 Paul Befumo, Medical Marijuana Policy Project of Montana

00:15:32 Bob Meharg, retired, Nurse Practitioner, Physician's Assistant, diabetic

00:22:05 Eric Billings, self, HIV patient

00:30:26 John Kneedler, self

00:34:14 Gordon Dunn, self, HIV patient

[EXHIBIT\(juh19a02\)](#)

00:39:39 Tom Doubert, Montana Medical Marijuana, Patients Families United

[EXHIBIT\(juh19a03\)](#)

[EXHIBIT\(juh19a04\)](#)

[EXHIBIT\(juh19a05\)](#)

[EXHIBIT\(juh19a06\)](#)

[EXHIBIT\(juh19a07\)](#)

00:49:44 Angela Goodhope, self

Opponents' Testimony:

00:50:09 Steven Steiner, self, Americans for a Drug Free Youth

Informational Testimony:

01:02:17 Roy Kemp, Deputy Administrator, Quality Assurance Division, Department of Health and Human Services

Questions from Committee Members and Responses:

01:02:45 Rep. Driscoll

01:03:18 Mr. Steiner

01:03:24 Rep. French

01:03:39 Mr. Kemp

01:07:04 Mr. Meharg

01:11:41 Rep. Koopman

01:12:26 Rep. Erickson

01:25:19 Rep. Kerns

01:26:01 Mr. Doubert

01:29:45 Rep. Raser

01:30:22 Rep. Erickson
01:32:21 Rep. McGillvray
01:32:39 Rep. Erickson
01:35:48 Rep. Gallik
01:36:48 Mr. Steiner
01:39:21 Rep. Stoker
01:39:53 Mr. Kemp
01:43:29 Rep. Erickson
01:45:39 Rep. McGillvray
01:46:01 Rep. Erickson
01:47:29 Rep. Raser
01:48:31 Mr. Kemp

[EXHIBIT\(juh19a08\)](#)

Closing by Sponsor:

01:51:13 Rep. Erickson

01:52:56 Break
02:07:04 Reconvene

EXECUTIVE ACTION ON HB 68

02:07:40 **Motion:** Rep. Stoker moved that **HB 68 DO PASS.**

02:07:52 **Motion:** Rep. Kottel moved that **HB 68 BE AMENDED.**

[EXHIBIT\(juh19a09\)](#)

Discussion:

02:08:09 Rep. Kottel

02:13:28 **Vote:** Motion that **HB 68 BE AMENDED** carried 16-1 by voice vote with Rep. Jore voting no.

02:13:45 **Motion:** Rep. Stoker moved that **HB 68 DO PASS AS AMENDED.**

Discussion:

02:13:58 Rep. Jore

02:19:53 **Motion:** Rep. Kottel moved that **HB 68 BE POSTPONED** due to possible Fiscal Note change with new amendments. Chairman Rice granted the requested.

EXECUTIVE ACTION ON HB 172

02:21:33 **Motion:** Rep. Stoker moved that **HB 172 DO PASS.**

02:22:08 **Motion:** Rep. Kottel moved that **HB 172 BE AMENDED.**
EXHIBIT(juh19a10)

Discussion:

02:22:15 Rep. Kottel
02:30:12 Rep. Everett

02:31:10 **Vote:** Motion that **HB 172 BE AMENDED** carried
unanimously by voice vote.

02:31:26 **Motion:** Rep. Stoker moved that **HB 172 DO PASS AS**
AMENDED.

Discussion:

02:31:40 Rep. Peterson
02:32:41 Rep. Ebinger
02:33:25 Rep. Cordier
02:34:10 Rep. Koopman
02:34:57 Rep. Gallik
02:37:26 Rep. Kottel
02:41:02 Rep. Peterson
02:41:21 Rep. Raser
02:43:16 Rep. Koopman

02:44:34 **Vote:** Motion that **HB 172 DO PASS AS AMENDED** failed 7-
10 by roll call vote with Reps. Cordier, Driscoll,
O'Hara, French Gallik, Kottel, and Raser voting aye.

02:45:28 **Motion/Vote:** Rep. Jore moved that **HB 172 BE TABLED AND**
THE VOTE REVERSED. Motion carried unanimously by voice
vote.

EXECUTIVE ACTION ON HB 174

02:46:01 **Motion:** Rep. Stoker moved that **HB 174 DO PASS.**

Discussion:

02:46:26 Rep. Ward
02:47:03 Rep. Gallik
02:48:01 Rep. Rice
02:48:16 Rep. Peterson
02:50:18 Rep. Koopman

02:51:29 Rep. Stoker
02:52:26 Rep. Ebinger

02:52:55 **Vote:** Motion that **HB 174 DO PASS** carried 12-5 by roll call vote with Reps. Driscoll, Jore, Koopman, O'Hara, and Peterson voting no.

EXECUTIVE ACTION ON HB 208

02:53:52 **Motion/Vote:** Rep. Stoker moved that **HB 208 BE TABLED**. Motion carried 16-1 by voice vote with Rep. McGillvray voting no.

EXECUTIVE ACTION ON HB 210

02:55:14 **Motion:** Rep. Peterson moved that **HB 210 DO PASS**.

02:55:31 **Motion:** Rep. Peterson moved that **HB 210 BE AMENDED**.
[EXHIBIT\(juh19a11\)](#)

Discussion:

02:55:53 Rep. Gallik
02:56:33 Mr. Niss
02:56:36 Rep. Peterson
03:00:51 Rep. Rice
03:01:09 Rep. Jore
03:01:46 Rep. Peterson
03:02:30 Rep. Gallik
03:02:58 Rep. Peterson
03:03:39 Rep. Gallik
03:05:30 Rep. Cordier
03:06:25 Rep. Peterson

03:06:59 **Vote:** Motion that **HB 210 BE AMENDED** carried 12-5 by roll call vote with Reps. Cordier, Driscoll, French, Gallik, and Raser voting no.

03:07:56 **Motion:** REP. STOKER moved that **HB 210 DO PASS AS AMENDED**.

Discussion:

03:08:18 Rep. French
03:08:21 Rep. Peterson
03:09:23 Rep. Driscoll
03:09:47 Rep. Kottel
03:11:25 Rep. Peterson

03:13:52 Rep. Raser
03:14:32 Rep. Cordier
03:15:49 Rep. Gallik
03:16:35 Rep. Rice

03:17:50 **Vote:** Motion that **HB 210 DO PASS AS AMENDED** carried 9-8 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, Ward, and Raser voting no.

03:18:46 Chairman Rice

03:19:22 Mr. Spencer

Additional Exhibits:

EXHIBIT(juh19a12)

Received at end of hearing: HB 311

ADJOURNMENT

Adjournment: 12:18 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh19aad.pdf](#))